

**Contribution by Dr. Nahtigal, representative of the Government of the Republic  
of Slovenia at the European Convention, 12 September, 2002 on item 2  
- legislation hierarchy**

The issue of legislative procedures and instruments, their hierarchy and their possible simplification is very important. However, it is also inextricably linked with the issue of institutional balance and the division of competences.

In order to preserve the previously mentioned institutional balance it is, in our opinion, necessary to maintain the exclusive right to initiative of the Commission. This becomes even more important in an enlarged Union, in which the Commission should keep its independence that enables it to function in the common interest and to impartially implement/enforce the adopted legislation throughout the territory of the EU.

Quality has to have precedence over the issues arising from a multitude of different legislative procedures and instruments. In concrete legislative procedures the Commission should be able to offer a variety of regulatory measures enabling development policies covering different fields. We do not believe that there is a single development model for the EU, which would per se be the best. It is therefore even more important to consider the proposal given by Neil MacCormick, who is right to underline how important it is to be able to communicate and present legislative proposals to the public. The very ability of presenting various legislative proposals and initiatives seems to be one of the crucial tasks and challenges not only to the Commission but also to other European institutions. When presenting its initiatives the Commission should not hide itself behind technocratic language. The Commission should present its initiatives so that the citizens with average interest in the subject matter will be able to understand. This would enhance transparency and legitimacy of legislative procedures, irrespective of the necessity for different legislative instruments. It is our opinion that such transparent legislative procedures would require strict rules regarding lobbying, which would further enhance their transparency, legitimacy and understanding of the purposes and objectives of individual legislative initiatives.

Finally, the Commission, the Council and the Parliament should follow with what success legislation is implemented in different areas. A decline of about one third in legislative activity in the period between 1995 and 2000 definitely helped raise the quality of the Acquis. In the future we welcome all efforts which can lead to a simplification of legislative procedures, as mentioned in various documents and studies such as the *White Paper on EU Governance* or studies carried out by the *European University Institute* from Florence.